

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MICHAEL L. MOORE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:11CV382-HEH
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

**MEMORANDUM OPINION
(Denying Motion for Reconsideration)**

By Memorandum Order entered on June 14, 2011, the Court conditionally docketed Plaintiff's Motion for Return of Seized Property as a new civil action. At that time, the Court directed Plaintiff to return his *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff did not comply with the June 14, 2011 Memorandum Order. Specifically, Plaintiff failed to return the consent to collection of fees form. As a result, he did not qualify for *in forma pauperis* status. Plaintiff's failure to pay the statutory filing fee demonstrated his lack of interest in prosecuting the case. *See* Fed. R. Civ. P. 41(b). Accordingly, by Memorandum Order signed on July 26, 2011, the Court dismissed the action without prejudice.

On August 11, 2011, the Court received from Plaintiff an "OBJECTION" to the July 26, 2011 Memorandum Order. The Court construes this document as a Motion to Alter or Amend the Judgment pursuant to Federal Rule of Civil Procedure 59(e). In the motion, Plaintiff explains that he returned the appropriate paperwork to the Court. Specifically, Plaintiff asserts that he mailed the forms to the Court by delivering them to the prison staff. Contrary to Plaintiff's assertion, however, he has not yet provided the Court with a consent to collection of fees form.

The Court notes that it received Plaintiff's motion to proceed *in forma pauperis*. The envelope containing that motion, however, did not include the consent to collection of fees form. Notably, the cover letter accompanying Plaintiff's motion to proceed *in forma pauperis* made clear that he only enclosed that motion and a copy of his trust fund account. It did not indicate that the consent to collection of fees form was also enclosed.

For these reasons, Plaintiff's Motion to Alter or Amend the Judgment will be denied. Plaintiff is advised that if he wishes to proceed against the United States to obtain his seized property, he may file a new Motion for Return of Seized Property which will receive a new civil action number from the Court.

An appropriate Order will accompany this Memorandum Opinion.



/s/

Henry E. Hudson
United States District Judge

Date: Aug 25, 2011
Richmond, Virginia